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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,529	10/03/2000	VICTOR A. VEGA	IND10200C01	1947

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EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
2685	4

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,529

Applicant(s)

VEGA ET AL.

Examiner

Sonny TRINH

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-5, 7, 9-12, 32, 42, -43, 65, 54, 66, 68, 69, 74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54, 65 and 66 is/are allowed.
- 6) ☒ Claim(s) 2, 4, 5 and 69 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 10, 12, 42, 43 and 74 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. **Claims 1-2, 4-5, 11** are rejected under the judicially created doctrine of double patenting over claim 1 of U. S. Patent No. 6,275,681 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Although the conflicting claims are not identical, they are not patentably distinct from each other because patent granted to Vega et al., (6,275,681) with common assignee, discloses the claimed invention of claims 1, 4, 65, 69, in particular see figs.1-10, abstract, summary and claims 1-23 of the above mentioned patent.

Claim 1 of the present invention specifies:

A wireless electrostatic rechargeable device for being electrically charged by an electrostatic charge, the wireless electrostatic rechargeable device comprising:

(a) an energy storage means with a capacity to store energy to operate the wireless electrostatic rechargeable device;

(b) an electrostatic charge receiver, for receiving an electrostatic charge and converting it into an AC signal; and

(c) a rectifier, coupled to the electrostatic charge receiver and the energy storage means, for receiving the AC signal and providing a DC signal and for storing energy in the energy storage means, whereby the wireless electrostatic rechargeable device may be electrically charged by the electrostatic charge.

Limitations (a-c) are taught by claim 1 of Patent Number 6,275,681.

Claim 2, 5 of the present invention specifies:

The wireless electrostatic rechargeable device wherein the energy storage means is selected from a group consisting of:

(a) a rechargeable battery, and a capacitor.

Limitation (a) is taught by claims 2-3 of Patent Number 6,275,681.

Claim 4 of the present invention specifies:

A wireless electrostatic rechargeable device for being electrically charged by an electrostatic charge, the wireless electrostatic rechargeable device comprising:

(a) an energy storage means with a capacity to store energy to operate the wireless electrostatic rechargeable device;

(b) an electrostatic charge receiver, for receiving an electrostatic charge and converting it into a first AC signal;

(c) a rectifier, coupled to the electrostatic charge receiver, for receiving the first AC signal and providing a DC signal;

(d) a voltage regulator, coupled to the rectifier, for receiving the DC signal and for regulating the DC signal to a DC voltage at a DC supply node; and

(e) a charge controller, coupled to the voltage regulator and the energy storage means, for storing energy in the energy storage means when the DC voltage is provided by the voltage regulator and preventing degradation of the energy storage means when the DC voltage is not sufficiently provided by the voltage regulator, whereby the wireless electrostatic rechargeable device may be electrically charged by the electrostatic charge.

Limitations (a-e) are taught by claim 2 of Patent Number 6,275,681.

Claim 11 of the present invention specifies:

The wireless electrostatic rechargeable device of claim 4, wherein the electrostatic charge receiver comprises:

(a) a first electrostatic electrode, coupled to the rectifier; and

(b) a second electrostatic electrode, coupled to the rectifier, wherein at least one of the first electrostatic electrode and the second electrostatic electrode receive the electrostatic charge.

Limitations (a-b) are taught by claim 2 of Patent Number 6,275,681

Claim 69 of the present invention specifies:

A method for charging a rechargeable device, comprising the steps of:

(a) providing a first AC signal;

(b) rectifying the first AC signal into a DC signal;

(c) regulating the DC signal to provide a DC voltage; and

(d) charging an energy storage means responsive to the DC voltage.

Limitations (a-d) are taught by claim 12 of Patent Number 6,275,681

Allowable Subject Matter

2. **Claims 65, 54, 66, 68** are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 65**, the present invention comprises the wireless electrostatic charging and communicating system includes an electrostatic reader, an electrostatic charger and an electrostatic rechargeable device or electrostatic transceiver such as such as a smart card or radio frequency identification (RFID) card without requiring physical contact to electrodes. The electrostatic system is capacitance based and the charging and communicating occurs over capacitively coupled electrostatic electrodes or electrostatic electrodes. The electrostatic rechargeable device or transceiver includes a charge receiver and an energy storage means, for being charged or communicated with in the electrostatic system. The energy storage means may be any energy storage device including a rechargeable battery or capacitor. In a second embodiment, the electrostatic rechargeable device or transceiver includes an electrostatic charge receiver and an electromagnetic charge receiver with the energy storage means so that it may be alternatively charged or communicated with in an electrostatic system or an electromagnetic system for compatibility in either system.

The closest prior art, Rozin et al. (US 5,847,447) shows a power and data transfer system with capacitively coupled bi-directional data and power transmission. However, Rozin fails to disclose "...a rechargeable device, comprising: an energy storage means with a capacity to store energy to operate the rechargeable device; a charge receiver, for receiving an excitation signal and converting it into an AC signal; a rectifier, coupled to the charge receiver, for receiving the AC signal and providing a DC signal; a voltage regulator, coupled to the rectifier, for receiving the DC signal and providing a DC voltage; and a charge controller, coupled to the voltage regulator and the energy storage means, for storing energy in the energy storage means when the DC voltage is provided by the voltage regulator and preventing degradation of the energy storage means when the DC voltage is not sufficiently provided by the voltage regulator, whereby the rechargeable device may be electrically charged by the excitation signal; whereby the charger may recharge the electrostatic rechargeable device...". These distinct features have been added to the independent claim 65 and renders it allowable.

Claims 54, 66, and 68 are allowed by virtue of their dependency on claim 65.

3. **Claims 7, 9, 10, 12, 32, 42-43, 74** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 7**, the prior art also fails to show the wireless electrostatic rechargeable device of claim 4, wherein the wireless electrostatic rechargeable device further comprises an electromagnetic charge receiver, for receiving an electromagnetic charge and converting it into a second AC signal.

Regarding **claim 12**, the prior art also fail to show the wireless electrostatic rechargeable device of claim 11, wherein the rectifier is selected from a group consisting of: a full-wave rectifier, and a half wave rectifier.

Regarding **claim 32**, the prior art also fail to show the wireless electrostatic rechargeable device of claim 4, wherein the charge controller is selected from a group consisting of: a non-controllable type charge controller, and a variable type charge controller.

Regarding **claim 42**, the prior art also fail to show the wireless electrostatic rechargeable device of claim 4, further comprising:

a power manager, coupled to the voltage regulator and the energy storage means, for performing an analysis of the energy supplied by the voltage regulator and the energy storage means, and for selectively coupling the energy storage means or the voltage regulator to circuitry within the wireless electrostatic rechargeable device responsive to the analysis, whereby the wireless electrostatic rechargeable device can operate with or without the energy storage means.

Regarding **claim 74** the prior art also fail to show the method of claim 69 for charging a rechargeable device, further comprising:

- (a) receiving an electromagnetic signal; and
- (b) providing a second AC signal.

Conclusion

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks
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or faxed to:

(703) 872-9306, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6th Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Sonny Trinh

Patent Examiner
2/2/04

SONNYTRINH S.T.
PATENT EXAMINER
Sonny